

REMARKS/ARGUMENTS

In the outstanding Office Action, the Examiner has withdrawn the prior restriction requirement and issued a new restriction requirement. In essence, the Examiner has maintained the restriction between the composition claims 1-20 as a subcombination and the cooking appliance of claims 21-29 as a combination in a manner corresponding to that previously set forth, while also restricting out the method claims. Initially, the Applicant would like to voice his traversal of this entire restriction on various grounds. First of all, there was no foreseen reason to restrict out the method claims in the prior restriction. Second, this application has gone PCT with a search being already performed in the United States covering the composition, the cooking appliance and the method for applying the composition corresponding identically to the claims set forth in this application. Therefore, a search has already been done by the U.S. Patent Office for all this subject matter and the Applicant has provided the Examiner with the search results in this case. All of the prior art developed has been indicated of only general interest. Finally, the Applicant adamantly traverses the restriction based on the combination and subcombination. As the Examiner is well aware, such a restriction can only be properly established if both the combination as claimed does not require the particulars of the subcombination and the subcombination has utility by itself or in other combinations. The Applicant will grant the Examiner that the subcombination would have utility by itself and other combinations, but the combination as claimed absolutely does require the particulars of the subcombination. The Examiner need only compare independent claims 1 and 21 to realize that these two claims cannot be properly restricted from each other. Claim 21 includes every single limitation of the subcombination claim 1. In a similar manner, claim 22 requires all the limitations of claim 2; claim 23 requires all the limitations of claim 3; claims 24-27 require all the limitations of claims 11-14 respectively; claim 28 requires all the limitations of claim 17; and claim 29 requires all the limitations of claim 18. The Examiner seems to be holding the restriction proper since the Applicant has not set forth dependent combination claims to the subject matter set forth in dependent subcombination claims 4-10, 15, 16, 19 and/or 20. Simply because the Applicant choose not to duplicate these claims in the combination claims and pay the

extra claim fees, does not detract from the fact that claims 1-3, 11-14, 17 and 18 cannot be properly restricted from claims 21-23, 24-27, 28 and 29 as subcombination and combination claims respectively.

It is understood from talking with the Examiner that he has been dealt a chemical case and does not feel comfortable with the subject matter. Although the undersigned will certainly work with the Examiner to expedite the prosecution and to result in a valid patent, it is not seen proper to require the Applicant to have three separate applications to cover the subject matter already searched by the U.S. Patent Office in connection with the corresponding PCT application. Regardless, since the Examiner has made this restriction requirement, the Applicant has hereby canceled method claims 30-42, while retaining the right to file a requisite divisional application. With respect to the combination and subcombination restriction, the Applicant has presented herewith new dependent claims 43-49, 50, 51, 52 and 53 which correspond to the subject matter of subcombination claims 4-10, 15, 16, 19 and 20 respectively. To this end, it is respectfully submitted that every single limitation of the subcombination claims finds direct correspondence in the combination claims such that the combination as claimed requires the particulars of the subcombination as claimed. Given the cancellation of the method claims, no additional fees are required for the submission of these claims.

Again, based on the originally claimed subject matter, and even furthermore in view of the claims as now presented, it is respectfully submitted that the combination/subcombination restriction is clearly improper and withdrawal thereof is respectfully requested. Since the Applicant is required to elect an invention to be examined even though the requirement is traversed, the Applicant will elect the combination claims 21-29 and 43-53 now present in this case. However, the Applicant urges the Examiner to reconsider the combination/subcombination restriction (as searching the combination will clearly require the Examiner search the entire subcombination) and to withdrawal the restriction requirement based on the examination guidelines set forth in the M.P.E.P. Again, all these claims have been favorably considered by the U.S. Patent Office in connection with the international search

conducted on this invention in connection with PCT/US02/37904, with the cited patent documents being made of record in this case in an Information Disclosure Statement submitted on July 31, 2003. To this end, it is submitted that the invention has already been completely searched by U.S. Patent Office personnel, no relevant prior art to the patentability of the invention has been found. Presumably, a full and complete search was performed in connection with the international application. Therefore the claims should be in clear condition for allowance. Actually, to be fair to the present Examiner who may have to perform an independent search, it is unclear to the Applicant why the Examiner who conducted the search on the international application is not handling the present case.

If the Examiner should have any additional concerns regarding this application which the undersigned can aid the Examiner in expediting the prosecution thereof, the Examiner is cordially invited to contact the undersigned at the number provided below.

Respectfully submitted,



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